

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

TERESA GIPSON,

Plaintiff,

**v.**

LVNV Funding, LLC,

**Defendant.**

**No. 2:21-cv-02440-SHM-atc**

## ORDER DIRECTING DEFENDANT TO REPLY

This matter was removed to federal court on July 1, 2021. (ECF No. 1.) Boyd Gentry entered an appearance on behalf of Defendant LVNV Funding, LLC, on October 3, 2023. (ECF No. 6.) On June 27, 2024, the Court filed an Order to Show Cause as to Why the Action Should Not Be Dismissed for Want of Prosecution, noting that no action had been taken since October 2023. (ECF No. 7.)

On June 28, 2024, Kevin A. Snider entered what he characterized as an appearance on behalf of Plaintiff and filed a response requesting a scheduling conference, scheduling order, and trial date. (ECF Nos. 8, 9.) On July 23, 2024, the Court denied Plaintiff's request because her response did not address why she had taken no action during the three years since the removal of this action to federal court. (ECF No. 10.) The Court issued a

second Order to Show Cause Why Action Should Not Be Dismissed for Want of Prosecution. (Id.)

Plaintiff responded on July 24, 2023, asserting that she was waiting for the Court to set a scheduling conference and had attributed the Court's delay to the effects of the COVID-19 pandemic. (ECF No. 11.) Plaintiff asserts that "it would be greatly prejudicial" to her if the matter were dismissed and "absolutely no prejudice to the Defendant" were the matter to proceed. (Id. at 3.) Plaintiff has provided no certificate of consultation showing that she has discussed the matter with Defendant. (See generally, ECF No. 11.)

Defendant is ORDERED to file a reply to Plaintiff's Response to the Order to Show Cause (ECF No. 11), specifically addressing whether Defendant would be prejudiced if this case proceeds. Defendant has fourteen (14) days from the entry of this order to reply.

SO ORDERED this 31st day of July, 2024.

/s/ Samuel H. Mays, Jr.  
SAMUEL H. MAYS, JR.  
UNITED STATES DISTRICT JUDGE